United Nations S/2006/140

Security Council

Distr.: General
6 March 2006

Original: English

Report of the Secretary-General on Ethiopia and Eritrea

I. Introduction

1. The present report is submitted pursuant to paragraph 12 of Security Council resolution 1320 (2000) of 15 September 2000 and provides an update on the peace process since my report dated 3 January 2006 (S/2006/1). The report also describes the activities of the United Nations Mission in Ethiopia and Eritrea (UNMEE), the current mandate of which expires on 15 March 2006.

II. Status of the Temporary Security Zone and adjacent areas

2. While there have been no serious incidents in the UNMEE area of responsibility since my previous report, UNMEE still assesses the military situation in the Mission area as tense. Eritrea's restrictions on UNMEE remain in place and continue to inhibit the Mission's ability to effectively carry out its monitoring and verification tasks.

3. Since the redeployment of the Ethiopian Armed Forces from forward positions in December 2005, in accordance with the demand of the Security Council in its resolution 1640 (2005) of 23 November 2005, Ethiopian Armed Forces troops that currently remain deployed south of the Temporary Security Zone appear to be maintaining a defensive posture. UNMEE reports that those troops are conducting military training and are in a state of high alert.

4. On the Eritrean side, in the areas adjacent to the Temporary Security Zone, the Eritrean Defence Forces are engaged in training exercises, especially in Sectors West and Centre. During the reporting period, UNMEE observed the continued presence of groups of armed personnel inside the Temporary Security Zone, at more than 15 locations, with a strength of 80 to 150 personnel at each location. Since these armed personnel refuse to present identity cards to UNMEE observers that would identify them as militia, UNMEE suspects that at least some of them could be regular troops. However, neither tanks, artillery nor any large-scale concentrations of Eritrean armed personnel have been observed inside the Temporary Security Zone.

Freedom of movement

5. Restrictions imposed on UNMEE operations by the Eritrean authorities continue to hamper the Mission's ability to carry out its mandated tasks, including

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essential monitoring tasks. UNMEE patrols experience restrictions on their freedom of movement inside the Temporary Security Zone, especially in Sectors West and Centre. Restrictions have similarly been imposed on the Mission's night patrols. Furthermore, the patrols are denied visits to the areas around the posts that were vacated following the ban on helicopter flights, which also remains in place.

6. As I noted in my previous report to the Council (S/2006/1), UNMEE estimates that as a result of the helicopter ban and other restrictions on United Nations ground patrols imposed by Eritrea both outside and inside the Temporary Security Zone, the Mission has been able to monitor only 40 per cent of the territory within its area of responsibility. Despite various restrictions and other difficulties, the Mission continues, to the extent possible, to carry out its major monitoring and verification functions through, inter alia, an average of more than 100 patrols per day and by maintaining dozens of stationary checkpoints.

Military Coordination Commission

7. The Military Coordination Commission held its 34th meeting in Nairobi on 13 January 2006. During the meeting, the Eritrean delegation stated that Eritrea could not accept Security Council resolution 1640 (2005) because it dealt with secondary issues while overlooking Ethiopia's intransigence with regard to demarcation of the border. The Ethiopian delegation expressed serious concern over the degradation of the Mission's monitoring capability due to the severe restrictions imposed by Eritrea, as well as Eritrea's expulsion of UNMEE staff of selected nationalities. Nevertheless, both delegations expressed appreciation for the work being done by UNMEE and reaffirmed their commitment to peace.

III. Status of the Mission and related issues

8. As at 28 February 2006, the total strength of the UNMEE military component stood at 3,355, comprising 3,069 troops, 78 headquarters staff and 208 military observers (see annex I).

9. I have previously expressed my serious concern about the helicopter ban imposed by the Eritrean authorities on UNMEE operations, including on aerial medical evacuations in Eritrean airspace. This unacceptable restriction puts peacekeepers at grave and unnecessary risk. On 1 March an Indian peacekeeper who had suffered a cardiac arrest in Adigrat died after having been evacuated to Addis Ababa. In the normal course of events, he would have been evacuated by helicopter to the UNMEE level II hospital in Asmara. However, as a result of the Eritrean restriction, the soldier had to be evacuated by UNMEE helicopter and then by fixed-wing aircraft to Addis Ababa. The Indian lance corporal died shortly after reaching the hospital in the Ethiopian capital. This tragic case was the tenth instance in which UNMEE was compelled to carry out medical evacuation by alternative means since the Eritrean helicopter ban was imposed in October 2005. I am alarmed by this tragic death and am reminding Eritrea of its responsibility to ensure the safety and security of the peacekeepers it invited to perform vital functions pursuant to the Agreement on Cessation of Hostilities of 18 June 2000.

10. The temporary relocation of staff, carried out in December following the Eritrean demand that UNMEE personnel of certain nationalities leave the country, has had an adverse impact on the operations of the Mission. Most civilian

components of the Mission are now seriously understaffed. The relocation has also adversely affected the composition of United Nations military observer teams and patrols, which routinely need to cross the southern boundary of the Temporary Security Zone into Eritrea. The initial problems of providing office accommodation in Addis Ababa for the relocated staff have been overcome owing to the hospitality extended by the Economic Commission for Africa, which has allowed UNMEE to use one of its buildings on a temporary basis.

11. On 23 January the Government of Eritrea notified UNMEE of new "immigration regulations" applicable to Mission personnel entering and departing from Eritrea, requiring, among other things, UNMEE personnel to apply for entry and exit visas five days prior to arrival or departure. The new procedures present further unacceptable operational constraints on the Mission, as they unnecessarily restrict and control the movement of UNMEE personnel and impede the travel of Mission personnel to and from Eritrea. The regulations contravene the model status-of-forces agreement, which applies in the absence of an agreed status-of-forces agreement with Eritrea, as well as the Charter of the United Nations, which provides that the Organization and its staff "shall enjoy such privileges and immunities as are necessary for the fulfilment of its purposes". A protest on the matter has been lodged with the Eritrean authorities in Asmara and in New York, and the Government has been urged to rescind the regulations.

12. In the period between 11 and 14 February, Eritrean security personnel detained a total of 27 locally recruited UNMEE staff. While most were released in the following days, one remains in detention. Such detentions have taken place on several occasions in the past, usually on the grounds that the staff were required to fulfil "national service" obligations. As the detentions contravene provisions of the model status-of-forces agreement and the Charter and serve to undermine the Mission's operations, strong protests have been lodged with the Eritrean authorities.

13. The Department of Peacekeeping Operations, in consultation with UNMEE, has been undertaking detailed contingency planning with respect to possible options for the future deployment of the Mission, as set out in my previous report to the Council. This contingency planning has focused on the options most favoured by Security Council members during previous consultations, namely, conversion to an observer mission, redeployment of the Mission's Asmara headquarters presence, along with military units integral to it, to Ethiopia and, lastly, reduction to a liaison presence in both capitals.

14. As stated in my previous report, none of the contemplated options is perfect. Ideally, the options should meet a number of criteria that would be taken into account in deciding on the Mission's future. These criteria include key principles of United Nations peacekeeping, including the need for freedom of movement and respect for the international nature of the Mission and the Secretary-General's authority to assign personnel; the continued fulfilment of the Mission's mandate and the integrity of the Temporary Security Zone; and the safety of United Nations peacekeepers, which is put at a grave risk by the denial of emergency air medical evacuations by the Eritrean authorities.

15. I regret to report that no progress has been made on the issue of the direct flight route between Asmara and Addis Ababa. I appeal once again to the Government of Eritrea to address this important issue as a matter of urgency.

IV. Diplomatic initiative

16. Further to my earlier appeals to the witnesses to the Algiers Agreement of 12 December 2000 to play a concerted role in assisting the two countries to resolve the current stalemate, I wrote to the witnesses, on 28 December 2005, to explore the possibility of convening a high-level meeting of the witnesses to discuss ways of advancing the peace process. Shortly after my previous report was issued in January, the United States of America launched a diplomatic initiative aimed at breaking the impasse and encouraging the parties to resume the demarcation of the border. I welcome this important initiative by the United States, which deserves the backing of the international community and the full cooperation of the parties.

17. In a demonstration of their support for the diplomatic initiative of the United States, the witnesses to the Algiers Agreement (the African Union, Algeria, the European Union, the United Nations and the United States), as well as a number of other interested Member States, met in New York on 22 February. In a statement issued following the meeting, the witnesses welcomed and endorsed the initiative of the United States to resolve the current impasse in the peace process between Eritrea and Ethiopia; stressed that the parties must implement the Algiers Agreement fully and without qualification; expressed their expectation that the parties would uphold their commitment to the final and binding determinations of the Eritrea-Ethiopia Boundary Commission; and urged the Commission to convene a meeting with the parties and consider the need for technical discussions with the support of a neutral facilitator. The statement strongly urged the parties to attend the Boundary Commission meeting and to cooperate with and abide by all requirements specified by the Commission in order to successfully conclude the demarcation process. The witnesses further noted that demarcation of the border could not proceed unless UNMEE were allowed full freedom of movement throughout its area of operations and urged the parties to permit UNMEE to perform its duties without restrictions. The statement by the witnesses was subsequently endorsed by the Security Council in a statement by its President dated 24 February 2006 (S/PRST/2006/10).

18. A report dated 27 February 2006 provided by the President of the Eritrea-Ethiopia Boundary Commission describing the Commission's activities is annexed to the present report (see annex II).

19. I appeal to the parties to move quickly to take advantage of the current initiative and to attend and apply themselves fully in the meeting, which the Boundary Commission seeks to convene by mid-March. The United Nations stands ready to assist the parties and the Boundary Commission in concluding the demarcation process, which is long overdue. Pursuant to Security Council resolution 1430 (2002), the Mission's mandate was adjusted, in order to assist the Boundary Commission in the implementation of its delimitation decision, to include demining in support of demarcation and administrative and logistical support for the field offices of the Commission. As recognized in the statement by the witnesses to the Algiers Agreement, all restrictions on UNMEE operations have to be lifted in order for the Mission to be able to support the demarcation process as mandated.

20. As reported previously, considerable funds will be required for the demarcation of the border. It is estimated that at least $10 million would be required for the entire exercise. These costs are being funded from the United Nations Trust Fund in Support of the Delimitation and Demarcation of the Ethiopia-Eritrea Border.

Voluntary contributions and pledges to the Trust Fund total some $11.6 million, with $3.6 million available at this time. The resumption of demarcation activities would therefore require substantial replenishment of the Trust Fund, for which I appeal to Member States.

V. Mine action

21. Landmines and unexploded ordnance remained a major threat to the people living and working in the Temporary Security Zone and the adjacent areas, hindering the return to normality of the affected people in both countries. In January and February 2006, five mine incidents and two accidents involving unexploded ordnance were reported in Sectors West and Centre respectively, resulting in fatalities and serious injuries to civilians. UNMEE conducted investigations into the incidents and concluded that the mines had been laid recently.

22. The lack of an aerial medical evacuation capability on the Eritrean side continued to hamper UNMEE demining efforts, as all operations remain suspended in and north of the Temporary Security Zone. However, the Mission continued to coordinate limited demining operations in the adjacent areas south of the Zone. UNMEE demining units, together with commercial contractors, cleared a total of 617 kilometres of roads and over 49,000 square metres of land. They have also begun to re-clear high-priority routes in Sector West to assist with force mobility requirements. This task will continue into Sector Centre and Subsector East, as force elements identify important routes for their daily operations. Since my previous report, UNMEE has provided mine risk education to 6,539 inhabitants in Sector Centre and Sector West.

VI. Human rights

23. UNMEE continued to monitor conflict-related human rights issues in the Mission area. UNMEE received reports that suggested an increase in incidents of persons who cross the border from either side, as well as cases of abduction, violations of the right to life and disappearances. On a positive note, however, local authorities have generally demonstrated remarkable cooperation towards settling incidents of cattle rustling amicably.

24. On 20 January a total of 172 persons of Ethiopian origin and 11 persons of Eritrean origin were repatriated from Eritrea and Ethiopia respectively under the auspices of the International Committee of the Red Cross and with the assistance of UNMEE. I reiterate my earlier appeals to ensure that all repatriations remain voluntary and that they are conducted in a proper and dignified manner.

VII. Public information

25. UNMEE public information activities continued through the broadcast of its weekly radio programmes, the conduct of fortnightly press briefings, the production of videos and the publication of monthly newsletters. The UNMEE outreach centres in Ethiopia, located in Addis Ababa, Mekelle and Adigrat, continued to register an increase in the number of group visits during the period under review. In addition to

utilizing the outreach centres as sources of objective information on the peace process, the local population, particularly students, are increasingly employing them as reference points for United Nations or UNMEE-related topics in academic assignments.

VIII. Humanitarian developments

26. The eastern lowlands of Eritrea currently face serious drought conditions, as the shortage of rainfall has gravely affected the farmers and caused heavy losses of small livestock. To alleviate the situation, the United Nations and non-governmental humanitarian organizations are coordinating a response to support the Government in providing animal feed. The Government has asked non-governmental organizations to resume the distribution of food aid, which had been suspended in a limited number of sub-zobas in the Debub and Southern Red Sea Zobas, targeting respectively 50,000 and 293,000 beneficiaries for general relief feeding. Following the Government's rejection of a consolidated appeal for 2006, the United Nations country team, non-governmental organization partners and donors are in the process of preparing a common humanitarian action plan to map out the overall humanitarian response and build the basis for a common strategy regarding emerging needs.

27. In Ethiopia the Government, the United Nations and humanitarian partners on 23 January appealed for $166 million in emergency food and non-food assistance. The majority of the funds requested will go towards life-saving non-food interventions in health and nutrition, water and sanitation, and agriculture, which collectively amounts to about $111 million.

X. Financial aspects

28. The General Assembly, by its resolution 59/303 of 22 June 2005, appropriated the amount of $185,993,300 (gross), equivalent to $15,499,441 per month, for UNMEE for the financial period from 1 July 2005 to 30 June 2006. The assessment of these amounts is subject to the decision of the Security Council to extend the mandate of the Mission. Should the Council decide to extend the mandate of UNMEE beyond 15 March 2006, the cost of maintaining the Mission until 30 June 2006 would be limited to the amounts approved by the Assembly. As at 30 November 2005, unpaid assessed contributions to the Special Account for UNMEE amounted to $69.3 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $1,988 million.

X. Observations

29. The protracted stalemate between Eritrea and Ethiopia remains a source of great concern, and I urge both parties to take the necessary steps to move the peace process forward. If the present situation persists, any miscalculation by the parties could result in a rapid escalation, with unpredictable consequences for the two countries and for regional stability.

30. Indeed, the impasse in the peace process has become increasingly untenable. The diplomatic initiative of the United States and the meeting of the witnesses, held

in New York on 22 February, are therefore positive developments, which I hope will create the momentum necessary to end the stalemate. It will be recalled that, on several occasions, I had appealed to the witnesses to the Algiers Agreement — individually or collectively — to assist the parties in resolving their differences. In December 2005 I wrote to them to explore the possibility of convening a meeting in order to advance the peace process. It is a source of encouragement, therefore, that the witnesses have demonstrated resolve and unity, calling upon the parties to fulfil their commitments under the Algiers Agreement, as well as for the early demarcation of the border. The endorsement by the Council of this document, in its presidential statement of 24 February 2006 (S/PRST/2006/10), reflects the renewed commitment of the international community to support the parties in the full implementation of their obligations under the Algiers Agreement.

31. The proposed convening by the Boundary Commission of a meeting with the parties in early March comes at a crucial moment. Eritrea and Ethiopia should seize this unique opportunity and extend the necessary cooperation to the Boundary Commission so that the expeditious demarcation of their common border can take place. In this context, the recommended role of the neutral facilitator will be very important. The parties' commitment to this process should also lead to an early normalization of relations between the two neighbouring countries. Both Governments and peoples stand to gain immensely from such a course of events, which is also essential for regional stability.

32. In view of the ongoing United States diplomatic initiative, the Security Council decided to maintain the current configuration of UNMEE for the time being. In the circumstances, I recommend that the Council consider extending the Mission's mandate for two to three months in order to allow for the diplomatic process to proceed and the forthcoming meeting of the Boundary Commission to bear fruit. Meanwhile, the options referred to in my previous report will be kept under review.

33. For the current initiative to proceed, all restrictions on UNMEE operations have to be lifted. In order for UNMEE to be able to support the demarcation process, the Mission must be able to perform its duties without restrictions and with full freedom of movement throughout its area of operations, including as regards the use of all its air assets and the availability of all its staff, irrespective of their nationality, in both host countries. UNMEE is currently undertaking a comprehensive review of requirements and actions that need to be taken by the Mission to enable it to extend its mandated support to the demarcation process, without delay, when requested to do so.

34. In conclusion, I wish to express my gratitude to my Special Representative, Legwaila Joseph Legwaila, and to the UNMEE civilian and military personnel for their continued commitment, hard work and perseverance, especially in the face of an increasingly difficult working environment. I would further like to thank all the Mission's partners, including the United Nations country teams and other humanitarian agencies, individual Member States, the African Union and other international organizations for the support they continue to lend to the peace process. I also pay special tribute to the troop-contributing countries for their continued support, despite the numerous restrictions imposed on the Mission.

Annex I

United Nations Mission in Ethiopia and Eritrea: military contributions as at 28 February 2006

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
Algeria	1			1	
Austria	2		1	3	
Bangladesh	7	168	7	182	
Bosnia and Herzegovina	10			10	
Bulgaria	5		2	7	
China	7			7	
Croatia	7			7	
Czech Republic	2			2	
Denmark	4			4	
Finland	7			7	
France			1	1	
Gambia	4		2	6	
Germany	2			2	
Ghana	11		4	15	
Greece	3			3	
India	7	1 585	22	1 614	
Iran, Islamic Republic of					
Guatemala	3			3	
Jordan	7	970	12	989	
Kenya	10	313	4	327	
Malaysia	7		4	11	
Namibia	4		3	7	
Nepal	5			5	
Nigeria	5		3	8	
Norway	5			5	
Paraguay	4			4	
Peru	3			3	
Poland	6			6	
Romania	8			8	
Russian Federation	6			6	
South Africa	4			4	
Spain	3		1	4	
Sweden	5			5	
Switzerland	3			3	
Tunisia	4		4	8	

Country	*Military observers*	*Troops*	*Staff*	*Total*	*National support elements*
Ukraine	7			7	
United Republic of Tanzania	8		1	9	
United States of America	7			7	
Uruguay	5	33	3	41	
Zambia	10		4	14	
Total	**208**	**3 069**	**78**	**3 355**	**0**

Annex II

Eritrea-Ethiopia Boundary Commission: twentieth report on the work of the Commission

1. This is the twentieth report of the Eritrea-Ethiopia Boundary Commission, covering the period from 1 December 2005 to 28 February 2006.

2. The Commission takes note of the following statement of the witnesses to the Algiers Agreement of 22 February 2006:

> The witnesses recall that both Ethiopia and Eritrea committed themselves to accepting the delimitation and demarcation determinations of the Eritrea-Ethiopia Boundary Commission as final and binding, under article 4.15 of the Algiers Agreement of 12 December 2000. The witnesses expect each Government to uphold its commitment and to cooperate with the Boundary Commission to implement its decisions without further delay. The witnesses urge the Commission to convene a meeting with the parties and invite the Commission to consider the need for technical discussions with the support of a neutral facilitator to assist with the process of demarcation. The witnesses strongly urge the parties to attend the Boundary Commission meeting and to cooperate with and abide by all requirements specified by the Commission in order to successfully conclude the demarcation process.

3. The Commission further notes the following statement of the President of the Security Council dated 24 February 2006 (S/PRST/2006/10):

> The Security Council recalls that under the Algiers Agreements, both Eritrea and Ethiopia have agreed to accept the delimitation and demarcation decisions of the Eritrea-Ethiopia Boundary Commission as final and binding.
>
> In this regard, the Security Council calls on both sides to cooperate with the Boundary Commission to implement its decisions without further delay.
>
> The Security Council urges the Boundary Commission to convene a meeting with the parties to prepare to resume demarcation and strongly urges the two parties to attend the Boundary Commission meeting and to cooperate with and abide by the requirements specified by the Boundary Commission, in order to successfully conclude the demarcation process.

4. Although there has been little change in the situation since the Commission's report of 5 December 2005 (S/2006/1, annex I), the Commission considers that a further attempt should now be made to secure the consent of both parties to the resumption of the demarcation process that was interrupted in 2003. It is, therefore, seeking to arrange a meeting with the parties to that end in early March 2006.

(*Signed*) Sir Elihu **Lauterpacht**
President of the Eritrea-Ethiopia Boundary Commission
27 February 2006